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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/662,652

09/13/2003

Chung Yuan Cheng

AFQ16

9392

7590

06/29/2004

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EXAMINER

VERBITSKY, GAIL KAPLAN

ART UNIT

PAPER NUMBER

2859

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/662,652	Applicant(s) CHENG, CHUNG YUAN	
	Examiner Gail Verbitsky	Art Unit 2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-7, 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Intractor (U.S. 20030092971).

Intractor discloses in Figs. 1-3 a device and a method in the field of applicant's endeavor. The device comprises a sensor 120 to monitor (watch) patient's vital signs, (temperature, paragraph [0010]). The method comprises locating a user (paragraph [0021]). This would imply that, the sensor 120 which is wirelessly (blue tooth, [0018]) connected to a monitor (blue tooth transmitter) 130, is sending the patient's location signal to a base station (blue tooth receiver) 140. The base station 140 can communicate with a plurality of monitors at different geographic locations (paragraph [0016]). This would imply, that the base station 140 could communicate with a plurality of patients. It is inherent, that the base station 140 not only receives but also evaluates (reads) the data received. Since the base station 140 is capable of making decision to send an emergency team (generates a warning signal) to the patients (paragraph

[0021]), it is considered, that the base station does some comparisons with standards/ thresholds limits in order to make this decision.

3. Claim 1 rejected under 35 U.S.C. 102(e) as being anticipated by Christopherson et al. (U.S. 20020045804) [hereinafter Christopherson].

Christopherson discloses in Fig. 1a device and a method for remotely monitoring patients' parameters (watching patients), including a body temperature (paragraph [0038]) by attaching (implanting) at least one medical device (IMD) to the patient, providing at least one wireless transmission by means of blue tooth receiver device (paragraph [0038]) to receive the temperature from the IMD by a monitoring device (remote host computer) using a communication link or network.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Christopherson in view of Wallace et al. (U.S. 4865044) [hereinafter Wallace].

Christopherson discloses the device as stated above in paragraph 3.

Crostopherson does not teach an identification of the person whose temperature is being measured, as stated in claim 2.

Wallace teaches not only measuring temperature and transmitting it to a receiver but also sensing an identification code of a living body (patient) whose temperature is being measured.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device and method disclosed by Christopherson, so as to add a step of sensing an identification code to a host computer, as taught by Wallace, so as to identify the patient whose temperature is being measured, in order to take necessary action and address treatment to a right patient.

5. Claims 2, 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christopherson in view of Zoth et al. (U.S. 200300652252) [hereinafter Zoth].

Christopherson discloses the device as stated above in paragraph 3.

Cristopherson does not teach an identification of the person whose temperature is being measured, as stated in claim 2, and the remaining limitations of claims 2, 6-8.

Zoth discloses a device/ method in the field of applicant's endeavor, the method comprising not only measuring temperature and transmitting it to a receiver, but also sensing an identification code of a living body (patient) whose temperature is being measured. Zoth teaches tracking software to track (locate) the patients if the patient is within a range of a blur tooth receiver (LAN, paragraph [0040]). The device also comprises a computer analyzing if the obtained data is significant or not. This would imply, that, the data is compared with a standard (threshold) data.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device and method, disclosed by Christopherson, so as to add a step of sensing an identification code to a central computer, as taught by Zoth, so as to identify the patient whose temperature is being measured, in order to take necessary action and address a treatment to a right patient.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device and method, disclosed by Christopherson, so as to add a display, as taught by Zoth, so as to allow the operator to view the data measured, in order to make a decision what action should be taken.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device and method, disclosed by Christopherson, so as to compare the measured data with a standard (threshold) data, as taught by Zoth, so as to allow the operator not only that the data is within or outside the predetermined limits, but also see if the data is borderline.

6. Claims 2, 6, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Intractor (U.S. 20030092971) in view of Zoth.

Intractor discloses the device/ method as stated above in paragraph 2.

Intractor does not explicitly teach the limitations of claims 6, 8.

Zoth discloses a device/ method in the field of applicant's endeavor, the method comprising not only measuring temperature and transmitting it to a receiver, but also sensing an identification code of a living body whose temperature is being measured.

Art Unit: 2859

Zoth teaches tracking software to track (locate) the patients if the patient is within a range of a blur tooth receiver (LAN, paragraph [0040]). The device also comprises a computer analyzing if the obtained data is significant or not. This would imply that the data is compared with a standard (threshold) data.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device and method, disclosed by Intractor, so as to add a step of sensing an identification code to a central computer, as taught by Zoth, so as to identify the patient whose temperature is being measured, in order to take necessary action and address a treatment to a right patient.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device and method, disclosed by Intractor, so as to add a display, as taught by Zoth, so as to allow the operator to view the data measured, in order to make a decision what action should be taken.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 and not mentioned above disclose related devices and methods.

Any inquiry concerning this communication should be directed to the Examiner Verbitsky who can be reached at (571) 272-2253 Monday through Friday 8:00 to 4:00 ET.

GKV

Gail Verbitsky

Primary Patent Examiner, TC 2800



June 24, 2004